

***[NO MINUTES WERE GENERATED ON
TUESDAY, MARCH 29, 2005.]***

566

**SUPREME COURT MINUTES
WEDNESDAY, MARCH 30, 2005
SAN FRANCISCO, CALIFORNIA**

S130860

H022727 Sixth Appellate District

PEOPLE v. DOMINGUEZ (FERNANDO)

Petition for review granted

In addition to the issues set forth in the petition for review, the parties are requested to brief the following issue: Did the trial court have a sua sponte duty to instruct the jury pursuant to *People v. Mayberry* (1975) 15 Cal.3d 143, concerning a reasonable and bona fide belief in the victim's consent to engage in sexual intercourse?

Votes: George, C.J., Baxter, Werdegar, Chin, Brown, and Moreno, JJ.

S131052

B172763 Second Appellate District,
Division Six

PEOPLE v. WATSON

Petition for review granted

Votes: George, C.J., Kennard, Baxter, Werdegar, Chin, Brown, and Moreno, JJ.

S131308

G032369 Fourth Appellate District,
Division Three

PEOPLE v. LAMONT

Review granted/briefing deferred (rule 29.1)

Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Brendlin*, S123133 and *People v. Saunders*, S122744 (see Cal. Rules of Court, rule 28.2(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.1, is deferred pending further order of the court.

Votes: George, C.J., Kennard, Baxter, Werdegar, Chin, Brown, and Moreno, JJ.

S129716SMITH (DENNIS JAMES) ON H.C.
OSC issued, returnable in Superior Court

The Director of Corrections is ordered to show cause returnable before the Riverside County Superior Court why petitioner is not entitled to additional custody credits in Case Number RIF088798 for the time spent in county jail between the original sentencing on April 19, 2001, resentencing on September 13, 2002, and petitioner's arrival in state prison on March 18, 2003. (See Attorney General's concession in Informal Opposition in S129716, filed March 23, 2005; see also *People v. Buckhalter* (2001) 26 Cal.4th 20, 29.) The return shall be filed on or before April 11, 2005. The superior court is to place the matter on calendar as soon as possible.

Votes: George, C.J., Kennard, Baxter, Werdegard, Chin, Brown, and Moreno, JJ.

S131282B179957 Second Appellate District,
Division FiveNEEDHAM v. S.C. (COUNTY VILLA BELMONT
HEIGHTS HEALTH CENTER)
Review granted; transferred to CA 2/5 to issue OSC

The matter is transferred to the Court of Appeal, Second Appellate District, Division Five with directions to vacate its order denying mandate and to issue an order directing respondent superior court to show cause why the relief sought in the petition should not be granted.

Votes: George, C.J., Kennard, Werdegard, Chin, Brown, and Moreno, JJ.

S121562VEASLEY (CHAUNCEY) ON H.C.
Petition for writ of habeas corpus denied (AA)

Because of the unusual circumstances presented, the "motion to amend petition for writ of habeas corpus" filed on September 17, 2004, is granted. The clerk is directed to file the amended petition nunc pro tunc as of September 17, 2004. The petition for writ of

habeas corpus filed on December 30, 2003, as amended, is denied. All claims are denied on the merits. Except to the extent petitioner claims his attorney provided ineffective assistance, Claim II is also, separately and independently, barred because petitioner did not plead not guilty by reason of insanity at time of trial. (Pen. Code, §§ 1016, 1026; *In re Seaton* (2004) 34 Cal.4th 193, 200.)

Brown, J., would deny the petition solely on the merits.

S123149

CLEVELAND (DELLANO L.) ON H.C.
Petition for writ of habeas corpus denied (AA)

The petition for writ of habeas corpus filed on March 8, 2004, is denied. All claims are denied on the merits. Except to the extent petitioner claims his attorney provided ineffective assistance, Claim II is also, separately and independently, barred because petitioner did not object to the use of leg braces at trial. (*In re Seaton* (2004) 34 Cal.4th 193, 200; *People v. Cleveland* (2004) 32 Cal.4th 704, 740.) Claim X is also, separately and independently, barred by *In re Waltreus* (1965) 62 Cal.2d 218, 225, to the extent it was raised and rejected on appeal, and by *In re Dixon* (1953) 41 Cal.2d 756, 759, to the extent it was not raised on appeal.

Brown, J., would deny the petition solely on the merits.

S130648

A108356 First Appellate District,
Division Two

ELKINS (JEFFREY DAVID) ON H.C.
Petition for review denied

S130685

B180096 Second Appellate District,
Division Five

HAYDEN (MARY) ON H.C.
Petition for review denied

S130688

G034125 Fourth Appellate District,
Division Three

CONNALLY (PATRICK) ON H.C.
Petition for review denied

Brown, J., was recused and did not participate.

S130694

B179584 Second Appellate District,
Division Two

HENDERSON v. S.C. (PEOPLE)
Petition for review denied

S130746

B179564 Second Appellate District,
Division Five

CONLEY (KERRY) ON H.C.
Petition for review denied

S130753

B179738 Second Appellate District,
Division Five

HABERLIN (JAMES) ON H.C.
Petition for review denied

S130760

B173062 Second Appellate District,
Division One

WEINBERG v. SANTA MONICA RENT CONTROL
Petition for review denied

S130772

F047011 Fifth Appellate District

AMAYA v. S.C. (KING PAK FARMS)
Petition for review denied

S130780

D042385 Fourth Appellate District,
Division One

BUILDING INDUSTRY ASSOC. OF SAN DIEGO
COUNTY v. CALIF. REGIONAL WATER QUALITY
CONTROL BOARD
Petition for review & depublication request denied

Baxter, and Brown, JJ., are of the opinion the
petition should be granted.

S130794

B164022 Second Appellate District,
Division Five

TIME ENTERPRISES v. NORWEST CORPORATION
Petition for review denied

Baxter, J., and Chin, J., were recused and did not
participate.

S130806

B170438 Second Appellate District,
Division Eight

LUJAN v. MINAGAR

Petition for review & depublication request denied

S130825

F044541 Fifth Appellate District

SONS v. S.C. (PEOPLE)

Petition for review and application for stay denied

S130830

C046247 Third Appellate District

POCKET PROTECTORS v. CITY OF SACRAMENTO

Petition for review and application for stay denied

Request for judicial notice granted.
Request to lift the stay by the Court of
Appeal and petition for review denied.
The requests for an order directing
depublishing of the opinion are denied.

S130851

D045200 Fourth Appellate District,
Division One

GLADNEY (TOMMY LEE) ON H.C.

Petition for review denied

S130868

F047016 Fifth Appellate District

SMITH (GARY L.) ON H.C.

Petition for review denied

S130874

B173593 Second Appellate District,
Division Four

PEOPLE v. LOONEY

Petition for review & depublication requests denied

S130904

B170830 Second Appellate District,
Division Two

GALLIVAN v. AT&T CORPORATION

Petition for review denied

S130910

B180356 Second Appellate District,
Division Seven

CARTER (MELVIN) ON H.C.

Petition for review denied

S130915

B171853 Second Appellate District,
Division Six

PEOPLE v. DOMINGUEZ (WILLIAM)

Petition for review denied

denied without prejudice to any relief to which
defendant might be entitled after this court

determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) __ U.S. __ 124 S.Ct. 2531, on California law.

S130917
G034906 Fourth Appellate District,
Division Three

HERNANDEZ (ADRIAN) ON H.C.
Petition for review denied

S130943
H027372 Sixth Appellate District

GANDY (THEODORE W.) ON H.C.
Petition for review denied

S130966
C044408 Third Appellate District

PEOPLE v. STEELE
Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) __ U.S. __ 124 S.Ct. 2531, on California law.

Kennard, J., is of the opinion the petition should be granted.

S130980
B179513 Second Appellate District,
Division Six

JONES (MICHAEL S.) ON H.C.
Petition for review denied

S130984
H023902 Sixth Appellate District

PEOPLE v. SERRANO
Petition for review denied

S130994
A099616 First Appellate District,
Division Three

PEOPLE v. HENSLEY
Petition for review denied

S131009
F044634 Fifth Appellate District

PEOPLE v. ERIBARNE
Petition for review denied

S131016

E034760 Fourth Appellate District,
Division Two

PEOPLE v. SMITH

Petition for review denied

S131034

D040558 Fourth Appellate District,
Division One

PEOPLE v. LIM

Petition for review denied

S131049

B171509 Second Appellate District,
Division Three

PEOPLE v. MOURADIAN

Petition for review denied

S131060

H025863 Sixth Appellate District

PEOPLE v. HUGHES

Petition for review denied

S131071

D043344 Fourth Appellate District,
Division One

PEOPLE v. ARMS

Petition for review denied

S131073

B171257 Second Appellate District,
Division Five

LOS ANGELES UNIF. SCHOOL DIST. v. CHONG

Petition for review denied

S131090

E034088 Fourth Appellate District,
Division Two

PEOPLE v. WHITE

Petition for review denied

S131094

E033487 Fourth Appellate District,
Division Two

PEOPLE v. SMITH

Petition for review denied

S131140

B173618 Second Appellate District,
Division Three

PEOPLE v. SPURLOCK

Petition for review denied

S131150

B179100 Second Appellate District,
Division One

MONTGOMERY v. COUNTY OF LOS ANGELES

Petition for review denied

S131175
H026367 Sixth Appellate District

PEOPLE v. MUNOZ
Petition for review denied

S131208
A105594 First Appellate District,
Division Four

M. (ANNE), IN RE
Petition for review denied

S131226
C044284 Third Appellate District

PEOPLE v. GUIDO
Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) __ U.S. __ 124 S.Ct. 2531, on California law.

S131239
C045882 Third Appellate District

PEOPLE v. RODRIGUEZ
Petition for review denied

S131292
E033754 Fourth Appellate District,
Division Two

PEOPLE v. RACCA
Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) __ U.S. __ 124 S.Ct. 2531, on California law.

S131298
B172481 Second Appellate District,
Division Five

PEOPLE v. JAHAD
Petition for review denied

S131307
D042110 Fourth Appellate District,
Division One

PEOPLE v. CARAPIA
Petition for review denied

S131313
H027612 Sixth Appellate District
H027613

PEOPLE v. FLOREZ
Petition for review denied

S131332

A099808 First Appellate District,
Division Five

PEOPLE v. NUUALOFA

Petition for review denied

denied without prejudice to any relief to the filing of a petition for a writ of habeas corpus regarding the applicability of the multiple prosecution and punishment bars of Penal Code section 654.

S131338

G033600 Fourth Appellate District,
Division Three

PEOPLE v. VALENZUELA

Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) __ U.S. __ 124 S.Ct. 2531, on California law.

S131340

C044220 Third Appellate District

PEOPLE v. CRELLER

Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) __ U.S. __ 124 S.Ct. 2531, on California law.

S131341

B175940 Second Appellate District,
Division Six

PEOPLE v. SANDERS

Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) __ U.S. __ 124 S.Ct. 2531, on California law.

S131415

B172581 Second Appellate District,
Division Three

PEOPLE v. KINCY

Petitions for review denied

denied without prejudice to any relief to which defendant might be entitled after this court

determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) __ U.S. __ S.Ct. 2531, on California law.

S131499

B170985 Second Appellate District,
Division Eight

STATE OF CALIFORNIA v. CITY OF LONG BEACH
Petition for review denied

Kennard, J., is of the opinion the petition should be granted.

S131564

A108628 First Appellate District,
Division Three

CAPITAL ONE BANK v. S.C. (UTILITY
CONSUMERS ACTION NETWORK)
Petition for review denied

Kennard, J., and Chin, J., were recused and did not participate.

S131568

H026360 Sixth Appellate District

CARMEL DEVELOPMENT CO. v. RLI INSURANCE
Petition for review denied

Kennard, J., is of the opinion the petition should be granted.

S131582

H026165 Sixth Appellate District

PEOPLE v. GREENE
Petition for review denied

S131583

B173658 Second Appellate District,
Division Seven

PEOPLE v. SALGADO
Petition for review denied

S131586

B169668 Second Appellate District,
Division Four

RIE v. BANK OF AMERICA
Petition for review denied

Chin, J., was recused and did not participate.

S131602

A107161 First Appellate District,
Division Four

WANG v. LAM
Petition for review denied

S131615

B176726 Second Appellate District,
Division Six

PEOPLE v. NAVARRO
Petition for review denied

S131618

B174867 Second Appellate District,
Division Six

PEOPLE v. DEAR
Petition for review denied

S131619

B169669 Second Appellate District,
Division Four

RIE v. ROSEN
Petition for review denied

S131624

F044356 Fifth Appellate District

PEOPLE v. NAJERA
Petitions for review denied

S131625

B176403 Second Appellate District,
Division Seven

C. (LUIS), IN RE
Petition for review denied

Request for judicial notice denied.

S131626

B170972 Second Appellate District,
Division Seven

PEOPLE v. HORTON
Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) __ U.S. __ 124 S.Ct. 2531, on California law.

S131627

F044505 Fifth Appellate District

PEOPLE v. CRUZ
Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) __ U.S. __ 124 S.Ct. 2531, on California law.

S131629

C045282 Third Appellate District

PEOPLE v. CLAY

Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) __ U.S. __ 124 S.Ct. 2531, on California law.

S131630B172616 Second Appellate District,
Division One

PEOPLE v. TROUT

Petition for review denied

S131633

H026801 Sixth Appellate District

PEOPLE v. DO

Petition for review denied

S131638

H026865 Sixth Appellate District

PEOPLE v. BARBER

Petition for review denied

S131642B174817 Second Appellate District,
Division Six

PEOPLE v. DACHINO

Petition for review denied

S131643B172448 Second Appellate District,
Division Four

RIE v. GALPERIN

Petition for review denied

S131644

F043886 Fifth Appellate District

PEOPLE v. ANDERSON

Petition for review denied

S131648A105196 First Appellate District,
Division Four

PEOPLE v. STINSON

Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) __ U.S. __ 124 S.Ct. 2531, on California law.

S131649

B167869 Second Appellate District,
Division Seven

PEOPLE v. FLORES

Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) __ U.S. __ 124 S.Ct. 2531, on California law.

S131652

B171802 Second Appellate District,
Division Two

CRUMB v. APC TECHNOLOGY

Petition for review denied

S131657

G033642 Fourth Appellate District,
Division Three

PEOPLE v. RANGER INSURANCE

Petition for review denied

S131658

F044495 Fifth Appellate District

PEOPLE v. ANDERSON

Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) __ U.S. __ 124 S.Ct. 2531, on California law.

S131659

F044733 Fifth Appellate District

PEOPLE v. EDWARDS

Petition for review denied

S131661

A104902 First Appellate District,
Division Two

PEOPLE v. TRAN

Petition for review denied

S131665

A108568 First Appellate District,
Division Four

BARTEE v. CITY & COUNTY OF SAN FRANCISCO

Petition for review denied

S131666

F045307 Fifth Appellate District

PEOPLE v. GOMEZ

Petition for review denied

S131667

B171445 Second Appellate District,
Division Five

PEOPLE v. HART

Petition for review denied

S131671

F043475 Fifth Appellate District

PEOPLE v. GORHAM

Petition for review denied

S131675

E034695 Fourth Appellate District,
Division Two

PEOPLE v. RIVERS

Petition for review denied

S131687

C045900 Third Appellate District

E. (JOHN), IN RE

Petition for review denied

S131690

A102988 First Appellate District,
Division Five

PEOPLE v. ROE

Petition for review denied

S131691

D043948 Fourth Appellate District,
Division One

PEOPLE v. MOUSTIRATS

Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) __ U.S. __ 124 S.Ct. 2531, on California law.

S131692

B180399 Second Appellate District,
Division One

IMPERIAL CREST HEALTH CARE CENTER v. S.C.
(TRAMBLE)

Petition for review denied

S131700

F044158 Fifth Appellate District

DAWSON v. DAWSON

Petition for review and application for stay denied

S131703

H027461 Sixth Appellate District

ASTER, MARRIAGE OF

Petition for review denied

S131706

C046706 Third Appellate District

PEOPLE v. COULTER

Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) __ U.S. __ 124 S.Ct. 2531, on California law.

S131709B169226 Second Appellate District,
Division Seven

PEOPLE v. CHATRIE

Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) 542 U.S. __, 124 S.Ct. 2531, on California law.

S131711E034525 Fourth Appellate District,
Division Two

PEOPLE v. CARRILLO

Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) __ U.S. __ 124 S.Ct. 2531, on California law.

S131719E033156 Fourth Appellate District,
Division Two

PEOPLE v. ACEITUNO

Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) __ U.S. __ 124 S.Ct. 2531, on California law.

S131725

H027196 Sixth Appellate District

PEOPLE v. PINEDO

Petition for review denied

denied without prejudice to any relief to which

defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) __ U.S. __ 124 S.Ct. 2531, on California law.

S131737

B169236 Second Appellate District,
Division Seven

PEOPLE v. BROWN

Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) __ U.S. __ 124 S.Ct. 2531, on California law.

S131738

A103667 First Appellate District,
Division Five

PEOPLE v. MALONE

Petition for review denied

S131749

A108872 First Appellate District,
Division One

CHEAP TICKETS v. W.C.A.B. (PONTE)

Petition for review denied

S131752

C044693 Third Appellate District

PEOPLE v. BALDOBINOS

Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) __ U.S. __ 124 S.Ct. 2531, on California law.

S131755

B175109 Second Appellate District,
Division Six

PEOPLE v. CHAVEZ

Petition for review denied

S131758

C045460 Third Appellate District

KAHANE-TAYLOR, MARRIAGE OF

Petition for review denied

S131777

B176107 Second Appellate District,
Division Six

PEOPLE v. PIERCE

Petition for review denied

S131782

B173771 Second Appellate District,
Division Six

PEOPLE v. TRANG

Petitions for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) 542 U.S. ___, 124 S.Ct. 2531, on California law.

S131789

A106152 First Appellate District,
Division Five

O. (DEVIN), IN RE

Petition for review denied

S131826

D043755 Fourth Appellate District,
Division One

PEOPLE v. OSBORN

Petition for review denied

S131901

B171023 Second Appellate District,
Division Eight

JAMERSON v. BACA

Petition for review denied

S132384

D046030 Fourth Appellate District,
Division One

AYALA v. S.C. (AYALA)

Petition for review and application for stay denied

S122861

VILLALOBOS (RODOLFO) ON H.C.

Petition for writ of habeas corpus denied

S123123

THRASHER (ERIC) ON H.C.

Petition for writ of habeas corpus denied

S123982

CARLISLE (KENNETH) ON H.C.

Petition for writ of habeas corpus denied

S124034

VELA (JOHN A.) ON H.C.
Petition for writ of habeas corpus denied

S124211

JAMESON (BARRY S.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Dexter* (1979) 25 Cal.3d 921; *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S124309

GONZALEZ (JOSE LUIS) ON H.C.
Petition for writ of habeas corpus denied

S124331

BRETADO (JAIME) ON H.C.
Petition for writ of habeas corpus denied

S124498

THORPE (RONALD P.) ON H.C.
Petition for writ of habeas corpus denied

S124511

BARBARIN (ANTHONY) ON H.C.
Petition for writ of habeas corpus denied

S124529

OWENS (REGINALD) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750.)

S124530

COX (ANDRE) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Miller* (1941) 17 Cal.2d 734; *In re Waltreus* (1965) 62 Cal.2d 218.)

S124539

HORN (WILLIAM) ON H.C.
Petition for writ of habeas corpus denied

S124548

VAN HOUTEN (LESLIE) ON H.C.
Petition for writ of habeas corpus denied

S124549

CARRILLO (AARON) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S124581

FRIAS (JESUS) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Dixon* (1953) 41 Cal.2d 756; *In re Lindley* (1947) 29 Cal.2d 709.)

S124582

SANCHEZ (ROBERT) ON H.C.
Petition for writ of habeas corpus denied

S124583

BACA (STEVE) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Waltreus* (1965) 62 Cal.2d 218.)

S124584

OCHOA (FERMIN) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750.)

S124585

RUFF (AARON) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S124586

HUTCHISON (EDWIN JAY) ON H.C.
Petition for writ of habeas corpus denied

S124593

JOHNSON (EMMITH) ON H.C.
Petition for writ of habeas corpus denied

S124607

SANCHEZ (RAMON G.) ON H.C.
Petition for writ of habeas corpus denied

S124622

SOTO (YSIDRO) ON H.C.
Petition for writ of habeas corpus denied

S124643

SOLAN (MAHADI) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Miller* (1941) 17 Cal.2d 734.)

S124651

RICHARDSON (MARQUISE) ON H.C.
Petition for writ of habeas corpus denied

S124661

RUSHING (PERRY) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Dixon* (1953) 41 Cal.2d 756.)

S124665

ANDERSON (JOHNNY) ON H.C.
Petition for writ of habeas corpus denied

(See *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Dexter* (1979) 25 Cal.3d 921.)

S124732

BOOZE (JOHN) ON H.C.
Petition for writ of habeas corpus denied

S124744

WILLIAMS (ROBERT) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

S124746

PEACE (JOSEPH) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780;
In re Waltreus (1965) 62 Cal.2d 218; *In re*
Dixon (1953) 41 Cal.2d 756.)

S124761

PHOV (CHEA) ON H.C.
Petition for writ of habeas corpus denied

(See *People v. Duvall* (1995) 9 Cal.4th 464,
474.)

S124762

LANGENDORF (TAYLOR) ON H.C.
Petition for writ of habeas corpus denied

S124786

SOLAN (MAHADI) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re*
Robbins (1998) 18 Cal.4th 770, 780; *In re*
Miller (1941) 17 Cal.2d 734.)

S124787

SOLAN (MAHADI) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re*
Robbins (1998) 18 Cal.4th 770, 780; *In re*
Miller (1941) 17 Cal.2d 734.)

S124789

SOLAN (MAHADI) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re*
Robbins (1998) 18 Cal.4th 770, 780; *In re*
Miller (1941) 17 Cal.2d 734.)

S124790

SOLAN (MAHADI) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re*

Robbins (1998) 18 Cal.4th 770, 780; *In re Miller* (1941) 17 Cal.2d 734.)

S124792

LEESESTER (CHANDLER) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Dixon* (1953) 41 Cal.2d 756; *In re Waltreus* (1965) 62 Cal.2d 218; *In re Lessard* (1965) 62 Cal.2d 497, 503.)

S124831

REED (RANDALL L.) ON H.C.
Petition for writ of habeas corpus denied

S124833

AGUAYO (IGNACIO) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S124930

RAMIREZ (JUAN J.) ON H.C.
Petition for writ of habeas corpus denied

S124932

THOMAS (RICK) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Dixon* (1953) 41 Cal.2d 756.)

S126371

VELA (JOHN) ON H.C.
Petition for writ of habeas corpus denied

S126685

SANCHEZ (ROBERT) ON H.C.
Petition for writ of habeas corpus denied

S128766

CUADRA (ORLANDO) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Wessley W.* (1981) 125 Cal.App.3d 240, 246.)

S132103

CLARK (LEE K.) ON H.C.
Petition for writ of habeas corpus denied

S132202

JOHNSON (MAURICE) ON H.C.
Petition for writ of habeas corpus denied

S129227

A103980 First Appellate District,
Division Four

BOWMAN v. CITY OF BERKELEY
Depublication requests denied (case closed)

S131097

E033804 Fourth Appellate District,
Division Two

CALIFORNIA FIRST AMENDMENT COALITION v.
SAN ANTONIO WATER COMPANY
Publication request denied (case closed)

S131270

B172586 Second Appellate District,
Division Four

VIEIRA v. HADLEY
Publication request denied (case closed)

S131286

D041034 Fourth Appellate District,
Division One

CZARNIK v. ILLUMINA, INC.
Publication request denied (case closed)

S026223

PEOPLE v. SMITH (GREGORY SCOTT)
Time extended to consider modification or rehearing
to June 8, 2005

S049743

PEOPLE v. YOUNG (CAROLINE)
Extension of time granted

to May 31, 2005 to file respondent's brief. After that date, only five further extensions totaling about 310 additional days will be granted. Extension is granted based upon Supervising Deputy Attorney General Seth K. Schalit's representation that he anticipates filing that brief by 4/2006.

S055528

PEOPLE v. BARNWELL (LAMAR)
Extension of time granted

to May 31, 2005 to file appellant's reply brief.

S056891

PEOPLE v. THOMPSON (JAMES)
Extension of time granted

to June 1, 2005 to file appellant's opening brief.
Extension is granted based upon counsel Irene Kiebert's representation that she anticipates filing that brief by 6/1/2005. After that date, no further extension will be granted.

S066940

PEOPLE v. CLARK (WILLIAM)
Extension of time granted

to May 31, 2005 to file appellant's opening brief.
Extension is granted based upon counsel Peter Giannini's representation that he anticipates filing that brief by 5/31/2005. After that date, no further extension will be granted.

S073205

PEOPLE v. WILLIAMS (JACK)
Extension of time granted

to June 7, 2005 to file appellant's opening brief.
After that date, only three further extensions totaling about 180 additional days will be granted. Extension is granted based upon counsel R. Clayton Seaman, Jr.'s representation that he anticipates filing that brief by 12/10/2005.

S075875

PEOPLE v. RUSSELL (TIMOTHY R.)
Extension of time granted

to May 31, 2005 to file appellant's opening brief.
After that date, only seven further extensions totaling about 370 additional days will be granted. Extension is granted based upon Deputy State Public Defender Kent Barkhurst's representation that he anticipates filing that brief by 6/2006.

S121148

BILLINGTON (DONALD G.) ON H.C.
Extension of time granted

to April 23, 2005 for respondent to file the
informal response.

S128576

B165498 Second Appellate District,
B168668 Division Two

PRACHASAI SORADEJ v. RALPHS GROCERY
Extension of time granted

to May 16, 2005 for appellant to file the answer
brief on the merits.

S130520

WELLS (DONALD R.) ON H.C.
Extension of time granted

Respondent's time to serve and file the informal
response is extended to and including April 27,
2005.

S130839

C039617 Third Appellate District

LONICKI v. SUTTER HEALTH CENTRAL
Extension of time granted

to June 15, 2005 for appellant to file the opening
brief on the merits.

S132291

B168847 Second Appellate District,
Division Seven

SCHACHTER v. CITIGROUP
Extension of time granted

Appellant's time to serve and file the answer to
petition for review is extended to and including
May 7, 2005..

S132443

G030956 Fourth Appellate District,
Division Three

BENSON v. KWIKSET CORPORATION
Extension of time granted

to April 15, 2005 for appellant Benson to file the
answer to the petition for review.

S016081**PEOPLE v. MCDERMOTT (MAUREEN)**
Withdrawal of counsel allowed by order

Good cause appearing, the separate applications of appointed lead and associate counsel for permission to withdraw as attorneys of record for condemned prisoner Maureen McDermott, filed March 2, 2005, are granted.

The order appointing Verna Wefald as counsel of record for condemned prisoner Maureen McDermott, filed February 10, 1993, is hereby vacated, and the order appointing Steffan Imhoff as associate counsel of record for condemned prisoner Maureen McDermott, filed July 18, 1996, is hereby vacated.

The Federal Public Defender for the Central District of California is hereby appointed attorney of record for condemned prisoner Maureen McDermott. Counsel is appointed for purposes of all postconviction proceedings in this court, and for subsequent proceedings, including the preparation and filing of a petition for clemency with the Governor of California, as appropriate.

S131405H025981 Sixth Appellate District
H026927**PEOPLE v. BROWN**
Counsel appointment order filed

Kim Malcheski for appellant Jermaine Brown.

S131442A105299 First Appellate District,
Division Two**PEOPLE v. SHEA**
Counsel appointment order filed

First District Appellate Project for appellant Shea.

S050851**PEOPLE v. DYKES (ERNEST E.)**
Motion for access to sealed record granted

Respondent's "Motion for Order Granting the People Copies of Volumes 62, 63, and 64 of the Clerk's Transcripts," filed February 8, 2005, is granted in part and denied in part.

The clerk is directed to provide a copy of

volumes 63 (pp. 16575-16721) and 64 (pp. 16722-16770) to respondent. The clerk is further directed to keep the original of volumes 63 and 64 under seal.

Respondent is prohibited from using the material contained in volumes 63 and 64 except in the present proceedings.

In all other respects, the motion is denied.

S004703

PEOPLE v. COX (MICHAEL ANTHONY)
Motion denied

Michael A. Cox's "Motion for Copy of Document or, in the Alternative, Request for Order Preserving Document," filed February 18, 2005, is denied.

S126085

DYKES (ERNEST) ON H.C
Order filed

On the court's own motion, the Clerk is directed to strike the filing of the petition for writ of habeas corpus. The petition is defective because it refers to sealed matters. (Compare petn., e.g., pp. 302-308, with RT 4048-4049 in *People v. Ernest Edward Dykes* (S050851).) Petitioner may serve and file a corrected petition that does not disclose any information contained in any sealed portion of the record on appeal, and if he elects to do so, he must serve and file the corrected petition by May 13, 2005. The court will not regard the corrected petition as a successive petition for any procedural purpose. Petitioner is further directed to take all necessary and proper steps to cure the improper disclosure of sealed information in his original petition for writ of habeas corpus by May 13, 2005.

The order of March 4, 2005, directing respondent to file the informal response to the petition for writ of habeas corpus by April 4, 2005, is vacated. Respondent is to file the informal response within 30 days after petitioner files any corrected petition for writ of habeas corpus pursuant to this order.

S132363

B181084 Second Appellate District,
Division Eight

LYONS v. S.C. (PEOPLE)

Transferred to CA 2

The above-entitled matter is transferred to the Court of Appeal, Second Appellate District, for consideration in light of *Hagan v. Superior Court* (1962) 57 Cal.2d 767. In the event the Court of Appeal determines that this petition is substantially identical to a prior petition, the repetitious petition shall be denied.

Bar Misc. 4186

IN THE MATTER OF THE APPLICATION OF THE
COMMITTEE OF BAR EXAMINERS OF THE
STATE BAR OF CALIFORNIA FOR ADMISSION
OF ATTORNEYS

The written motion of the Committee of Bar Examiners that the following named applicants, who have fulfilled the requirements for admission to practice law in the State of California, be admitted to the practice of law in this state is hereby granted, with permission to the applicants to take the oath before a competent officer at another time and place:
(LIST OF NAMES ATTACHED TO
ORIGINAL ORDER)

Admin. 2005-3-1

IN THE MATTER OF THE APPOINTMENT OF
JUDICIAL MEMBERS OF THE COMMISSION ON
JUDICIAL PERFORMANCE

Pursuant to the provisions of article VI, section 8, subdivision (a), of the California Constitution, the Honorable Judith McConnell, Administrative Presiding Justice of the Court of Appeal, Fourth Appellate District, is appointed to the Commission on Judicial Performance effective March 30, 2005, for a term ending February 28, 2009.

